

**AFFIDAVIT OF SERVICE**

Re: Garcia v. City of Newburgh  
08-CV-1198 (CLB) (MDF)

STATE OF NEW YORK )  
 ) SS:  
COUNTY OF ORANGE )

MARK MEDYNSKI, being duly sworn, states that he is over the age of 18 years, is not a party to this action, and resides in the State of New York; that on the 7th day of February, 2008, at 12:30 P.M. at Newburgh City Police Department, 83 Broadway, Newburgh, New York, deponent served a copy of the following document(s) upon the following person or entity:

DOCUMENT(S) SERVED: SUMMONS AND COMPLAINT

PERSON SERVED: DEFENDANT PATRICK KELLY

Service was performed in the following manner:

X By delivering the document(s) to a person of suitable age and discretion at the actual place of business, dwelling place, or usual place of abode of the person to be served AND by mailing the document(s), via first class mail, to the person to be served at his actual place of business in an envelope bearing the legend "personal and confidential" and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served, and that such deliver and mailing took place within twenty days of each other [CPLR §308 (2)].

Description of the person who accepted service:

Name: DESK OFFICER J. KYLES  
Sex: F Race: White Hair: Brown/Blonde  
Age: 30's Ht: 5'7" Wt: 135 lbs.

DATE: 2-7-08

SIGNED: John J. Kelly  
MARK MEDYNSKI

Sworn to before me this 7th day of February, 2008

Stephen S. Cobb  
NOTARY PUBLIC

STEPHEN S. COBB  
Notary Public, State of New York  
No. 01CO6074250  
Qualified in Orange County  
Commission Expires May 13, 2010